



LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level
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ANNEMARIE POLAN
Building Commissioner

December 15th, 2020

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **December 15th, 2020, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT: Melissa Mullins Mischke Earl Cunningham
 Dwayne Hogan Glen Minich
 Greg Szybala

PRESENT: Annemarie Polan, Recording Secretary, Attorney Doug Biege; Ashley
 Kazmucha, Secretary

The Pledge of Allegiance.

APPROVAL OF MINUTES:

Melissa Mullins Mischke asked for approval of the meeting minutes of October 20th, 2020.

Dwayne Hogan made a motion to approve the meeting minutes of October 20th, 2020 as presented.

Earl Cunningham stated he would like to apologize to Mr. White who ran the facility on Johnson Road. His previous comment made it seem like he was glad somebody was finally in there after it had been empty, but they were actually still in operation. He is thankful to him and his wife for the long-term utilization of the former Elk's convention center. He had done a wonderful job there over the years. Now it will be a church and stay productive.

Greg Szybala seconded.

All Approved. Motion passed 5-0.

Petitions:

1. Petition for Variance of Developmental Standards for Pedro Escobedo for placement of a second (2nd) shed twelve feet by sixteen feet (12' x 16') to the side of the home instead of the rear. The property is located at 11931 W. Cassandra Ln., Westville, IN., New Durham Twp., zoned R1A. Parcel 46-09-07-300-019.000-027.

Attorney Biege stated notice is adequate.

Pedro Escobedo stated his address is 11931 W. Cassandra Ln., Westville, IN.

Melissa Mullins Mischke asked if the building is already there.

Pedro Escobedo stated that is correct.

Melissa Mullins Mischke asked if he obtained a building permit.

Pedro Escobedo stated he did not. He thought that if he was building it, he would, but it being a pre-built he was unsure. He found out later that he needed one.

Melissa Mullins Mischke stated there are a couple letters of remonstrance. She will not read the twenty-three-page (23) document as they all received a copy of it in an email; it is against the property having a second shed. The other one is also opposed from Carl Caldwell on 1891 Haley Court stating covenant and things of that nature being why they were against a second shed.

Earl Cunningham asked if they are against the second shed or the placement of the second shed.

Melissa Mullins Mischke stated both.

Attorney Biege clarified that both remonstrators rely on the covenants heavily in their objections. It's not the Board of Zoning Appeals duty to enforce covenants. There's also a private right of action available to the other homeowners in the association.

Dwayne Hogan made a motion to approve the Petition for Variance of Developmental Standards for Pedro Escobedo for placement of a second (2nd) shed twelve feet by sixteen feet (12' x 16') to the side of the home instead of the rear. The property is located at 11931 W. Cassandra Ln., Westville, IN., New Durham Twp., zoned R1A. Parcel 46-09-07-300-019.000-027.

Glen Minich seconded. It is tastefully done and hidden by the arbor vitae to the neighbor. It fits in there.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke stated he will need to come into the building department to get a permit, but he is approved to have it and be placed there.

2. Petition for Special Exception for Dennis C and Marsha Weiss to keep and maintain an accessory dwelling already existing on the property for elderly mother; enclosed within the pole barn. The property is located at 11814 S. 600 W., Union Mills, IN., Clinton Twp., zoned A on 2 acres. Parcel 46-13-36-200-003.000-044.

Attorney Biege stated notice is adequate.

Dennis Weiss stated his address is 11814 S. 600 W., Union Mills, IN.

Melissa Mullins Mischke asked if the facility is already built for his mother.

Dennis Weiss stated that is correct. The contractor put up the pole barn and they found out his mom was going blind. Prior to that, he had a friend down the street who had a pole barn and they were going to put a man cave in it with a log cabin piece. When they found out his mother was losing her eye sight and she would have to go to a home or something of that sort they offered to bring her here.

Remonstrators:

Keith Swanson stated his address is 12752 S. 600 W., Wanatah, IN.

Keith Swanson stated he helped Dennis Weiss with this project and he knows the contractor quite well, which was Garner Construction. They got to go in on this thing. He had a log house. They took it down and planned to use it as a man cave to put into his pole barn. They had discussed it for a long time. The Weiss's have a very nice home and they keep their places very nice. You couldn't tell that there was something in the back of their home that somebody would live in. Its very nice and they are very nice people in the area. He is in favor.

Melissa Mullins stated she agrees, the property is beautiful and well maintained. She passes it twice a day and she loves the new gate. If this is approved, they will need to obtain a new permit. Is there a fine necessary for this as it is already in place and being utilized?

Attorney Biege stated they can approve the variance request and it can be the end of it. They can include it in the motion.

Earl Cunningham made a motion to approve the Petition for Special Exception for Dennis C and Marsha Weiss to keep and maintain an accessory dwelling already existing on the property for elderly mother; enclosed within the pole barn. Any potential fines are to be waived. The property is located at 11814 S. 600 W., Union Mills, IN., Clinton Twp., zoned A on 2 acres. Parcel 46-13-36-200-003.000-044.

Dwayne Hogan seconded.

Glen Minich stated this is a generational thing. That home has been in that family for generations and it's nice to see a new generation taking care of the property.

All Approved. Motion passed 5-0.

3. Petition for Variance of Developmental Standards for Alyssa Staley for construction of a home at least five hundred square feet (500²'), but less than the one-thousand square feet (1,000²') minimum required. The property is located across from 7633 and 7637 N. Elder Ln., New Carlisle, IN., Hudson Twp., zoned R1B on 0.92

combined acres. Parcel 46-04-28-151-017.000-050 and Parcel 46-04-28-151-007.000-050.

Attorney Biege stated notice is adequate.

Steve Nelson stated he is Alyssa Staley's father and his address is 2833 S. 75 W., LaPorte, IN.

Steve Nelson stated it is more of a second home. She doesn't need a thousand square feet (1,000²). She lives in a subdivision now and she fell in love with the property out there. It sits back in the woods and it will be an improvement to the property.

Ashley Kazmucha stated she was told she was building a tiny home as a place where her kids could go and remember their father who passed.

Greg Szybala stated he could not hear.

Melissa Mullins Mischke stated Ashley Kazmucha said she is building a tiny home for closeness to the father.

Earl Cunningham stated that if you watch the national news, tiny homes are a thing around the country and we will see more and more of them. It is interesting if she chooses to do it and understands the space she is going to live in. A lot of people have three thousand square foot (3,000²) homes and only utilize six hundred square feet (600²) of it anyway for practical purposes.

Glen Minich stated he has a similar comment. In that area, small bungalows are common. It's a vacation area and people don't live in there year-round. A small bungalow fits in just fine.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Alyssa Staley for construction of a home at least five hundred square feet (500²), but less than the one-thousand square feet (1,000²) minimum required. The property is located across from 7633 and 7637 N. Elder Ln., New Carlisle, IN., Hudson Twp., zoned R1B on 0.92 combined acres. Parcel 46-04-28-151-017.000-050 and Parcel 46-04-28-151-007.000-050.

Earl Cunningham seconded.

Melissa Mullins Mischke stated they need to make sure they have a good sign for the address out by the road when they have it issued so emergency services can find it.

All Approved. Motion passed 5-0.

4. Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a

home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Petitioner not present and moved to the bottom of the agenda.

5. Petition for Variance of Developmental Standards for Hannah Barden and Ryan Dooley for an addition four-feet-nine-inches by fourteen-feet-six-inches (4'9" x 14'6") for storage of outdoor things and a portion for a pantry with a five-foot (5') setback instead of the minimum ten feet (10') required; on the east side next to 410 Oak Dr. The property is located at 408 Oak Dr., LaPorte, IN., Center, zoned R1B. Parcel 46-06-27-401-004.000-042.

Attorney Biege stated notice is adequate.

Hannah Barden stated her address is 408 Oak Dr., LaPorte, IN.

Hannah Barden stated their house is an eighty's (80's) built house so it is designed odd to where the house is a step up. They had a friend who was in a car accident. He is paralyzed from the neck down. They watch him three nights a week and his wheel chair won't fit into their bathroom. They were trying to think of a way to be creative and cost effective and makes sense for their house so maybe they could add a pantry. He can't go to the bathroom by himself so he needs to be packed. That would give him privacy because the entire basement is open concept and it'll be readily accessible for him to have privacy and for sanitation purposes being right next to the sink for them. If they're going to build then they can store their pier in the portion that isn't used for a pantry.

Melissa Mullins Mischke asked if she is talking about the side with the generator.

Hannah Barden stated yes.

No remonstrators present.

Earl Cunningham stated that on the island, the setbacks are not typical as they would be in the county and improvements typically increase their value.

Greg Szybala made a motion to approve the Petition for Variance of Developmental Standards for Hannah Barden and Ryan Dooley for an addition four-feet-nine-inches by fourteen-feet-six-inches (4'9" x 14'6") for storage of outdoor things and a portion for a pantry with a five-foot (5') setback instead of the minimum ten feet (10') required; on the *west* side next to 410 Oak Dr. The property is located at 408 Oak Dr., LaPorte, IN., Center, zoned R1B. Parcel 46-06-27-401-004.000-042.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

6. Petition for Variance of Developmental Standards for Mark Parkman (seller) and Robert Flude (buyer) for construction of a home on .52 acre instead of the minimum one (1) acre and one hundred feet (100') of road frontage and not the minimum of two hundred feet (200') and a front setback of forty feet (40') instead of the sixty feet (60') required and side setbacks of fifteen feet (15') instead of the thirty feet (30') required. The property is located at 3177 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 0.52 acres. Parcel 46-09-22-200-016.000-027.

Attorney Biege stated notice is adequate. For full disclosure, he has done work for Mr. Flude before, but he was not involved in this transaction in any way, shape, or form nor did he assist in the preparation of his petition.

Glen Minich stated this is a pre-existing lot so they are just looking at the placement of the new home.

Attorney Biege stated lot size and dimensions are grandfathered in so they're really only looking at the setbacks.

Robert Flude stated his address is 384 Oak Dr., LaPorte, IN.

Robert Flude stated they have been on the island about twenty (20) years and his wife has a project of remodeling the house. The thought of this was to potentially put a house in while remodeling and put a pole barn to store stuff. The house they're potentially remodeling on the lake is more expensive than he anticipated. He would like to put up the pole barn first then build the house. It is reversed from what he thought six weeks ago.

Melissa Mullins Mischke stated if they were to do that, he would need to amend the petition and re-advertise.

Attorney Biege stated he agreed because that's not what the notice was. They could certainly do that, but that's not what the public was put on notice for to build the pole barn first. That's all a separate variance.

Robert Flude stated he wanted to be up front and tell the Board what the thought was because his wife has expensive taste and things are going a little bit more out of budget than he anticipated.

Melissa Mullins Mischke stated wives do that. She would feel more comfortable if he re-advertised to include all of it.

Dwayne Hogan agreed.

Robert Flude stated he is perfectly fine with that. Is the way he has the home and barn layout drawn acceptable to the Board? Where the barn is in the back with those setbacks because he didn't plan to change those, just build the pole barn first, unless there is a problem with the layout.

Greg Szybala stated that is to be determined.

Glen Minich stated it's a difficult situation where somebody builds a barn and they're supposed to build a home, but how do you hold people accountable to that?

Attorney Biege stated they do have enforcement mechanisms if the home isn't built. They haven't had that occur yet, but up to and including demolition of the building. They have full authority to do that, but he thinks it is unlikely here. The cleanest way to handle this would be to file an amended petition or a new petition with regards to construction of the pole barn prior to the residence.

Dwayne Hogan stated it would be cleaner.

Melissa Mullins Mischke stated we are looking to hearing this petition next month.

Robert Flude stated he will come in, re-apply, and send out new notices for the change.

Melissa Mullins Mischke stated they are going to waive the fee for amending or re-filing the application.

Earl Cunningham stated Attorney Biege made a good point. He is not amending what he is asking for, just the sequence in which they are built. He will not be on the Board next month, but he would've voted in favor.

Melissa Mullins Mischke stated that meeting will be on January 19th and the amended petition will need to be filed by January 4th.

Earl Cunningham made a motion to table to January the Petition for Variance of Developmental Standards for Mark Parkman (seller) and Robert Flude (buyer) for construction of a home on .52 acre instead of the minimum one (1) acre and one hundred feet (100') of road frontage and not the minimum of two hundred feet (200') and a front setback of forty feet (40') instead of the sixty feet (60') required and side setbacks of fifteen feet (15') instead of the thirty feet (30') required. The property is located at 3177 S. Holmesville Rd., LaPorte, IN., New Durham Twp., zoned A on 0.52 acres. Parcel 46-09-22-200-016.000-027.

Dwayne Hogan seconded.

All Approved. Motion passed 5-0.

4. Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Ashley Kazmucha stated Mr. Beckwith called about five (5) times today saying he wouldn't be able to get on zoom. She gave him the number and he was supposed to call in, but there may be an issue.

Melissa Mullins Mischke stated since he can't get on the call tonight, let's make a motion to table it until the January meeting.

Dwayne Hogan made a motion to table to January the Petition for Variance of Developmental Standards for Craig Beckwith and Ellen Thomas for construction of a forty-foot by sixty-foot (40' x 60') pole barn without a home on the property. The property is located on the corner lot next to 3061 E. 300 S., LaPorte, IN., Pleasant Twp., zoned R1A on 2 acres. Parcel 46-11-15-351-003.000-057.

Earl Cunningham seconded.

All Approved. Motion passed 5-0.

Melissa Mullins Mischke asked Ashley Kazmucha to contact Mr. Beckwith and double check the he knows the January meeting information.

7. Petition for Variance of Developmental Standards for Diana Mrozinske (seller) and Mary Stumbris (buyer) to be able to live in the existing mobile home for at least two (2) years while the new home is being built. The property is located at 4203 N. 175 E., LaPorte, IN., Kankakee Twp., zoned A on 3.724 acres. Parcel 46-07-08-400-012.000-052.

WITHDRAWN

8. Petition for Variance of Developmental Standards for Larry Poole (seller) and Walter Smyers (buyer) for placement of an R.V. for temporary dwelling purposes; will be constructing a home. The property is located between 9854 and 9722 N. 500 W., Michigan City, IN., Springfield Twp., zoned R1B on 5 acres. Parcel 46-02-18-200-011.000-062.

Does Not Have Notification; Will Be Postponed.

Melissa Mullins Mischke asked if there is any further business before the Board this evening.

Melissa Mullins Mischke stated she wants to wish everyone a Happy Holiday as much as they can.

Dwayne Hogan stated he wanted to thank Earl Cunningham for everything he has done for this Board and for his guidance and support. For being there for us and hanging in there for the four (4) years that he did. He wishes him the best of luck at his new endeavors as he moves on.

Melissa Mullins Mischke agreed. It has been a pleasure to serve with him for the last four (4) years. Congratulations and good luck.

Greg Szybala stated thank you Earl Cunningham and we will miss you.

Earl Cunningham stated he wanted to take the opportunity to thank the rest of the Board members. It was a very pleasurable four (4) years. It has also been wonderful working under Annemarie Polan's direction. Ashley Kazmucha's minutes never cease to amaze me. They're just phenomenal. He was on the County Council for eight (8) years and he never saw anything as far as minutes that are comparable to what Ashley Kazmucha has provided for us. And good luck to Annemarie Polan in her retirement.

Annemarie Polan stated thank you.

Greg Szybala asked if Annemarie Polan is retiring as well.

Annemarie Polan stated yes.

Greg Szybala asked when this is happening.

Annemarie Polan stated January 25th.

Greg Szybala stated congratulations.

Annemarie Polan stated you're welcome.

Glen Minich and Dwayne Hogan congratulated Annemarie Polan.

Earl Cunningham stated he apologized if he wasn't supposed to let that out, but he won't be at the next meeting.


Annemarie Polan stated that's ok.


Earl Cunningham stated he thought it was common knowledge.

Greg Szybala stated it is now.

Dwayne Hogan stated it's in the minutes now.

There being no further business, meeting adjourned at 6:34 p.m.


Melissa Mullins Mischke, President


Annemarie Polan, Recording Secretary